

June 11, 2007
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, June 11, 2007, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: NEIL BRYANT, DEBI ROSS, LINDA ROBINSON, OLEN THOMAS, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (7/0). Alderman CARY GAINES was absent. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The invocation was given by Mayor Hays, followed by the pledge of allegiance to the flag which was also led by Mayor Hays.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes of a regular council meeting held on Monday, May 28, 2007, and held Tuesday, May 29, 2007, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the blanket motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communications # 1, 2, 3, 4, 5, and 6 were accepted and filed (7/0).

1. Don A. Zimmerman, Plan Administrator, Arkansas Municipal League, Municipal Health Benefit Fund, memorandum to selected municipal officials re: rates. Effective, July 1, 2007, based on experience, rates for North Little Rock will not change. *The memorandum was read.*
2. Gary Massaglia, Vice President / General Manager, Comcast Cable, letter to Mayor Hays re: additions to digital channel line-up, VTV - Channel 219 and KATV News Now - Channel 207.
3. Gary Massaglia, Vice President / General Manager, Comcast Cable, letter to Mayor Hays re: effective June 28, 2007, the NFL Network will no longer be available on the Digital Service tier. Customers will be notified via digital box messages, etc.
4. Gary Massaglia, Vice President / General Manager, Comcast Cable, letter to Mayor Hays re: another change in digital lineup, beginning June 18, 2007, KTHV's multicast channel THV2 from its current location of channel 243 to channel 233, etc.
5. Sharon Tedford, Mayor's Office memorandum re: *Restaurant Mixed Drink and Sunday Beverage - Change of Manager* for TGI Friday's, 2820 Lakewood Village Drive by Michael Vincent Johnson.
6. Mayor Hays letter to Thad Luther, P.E., Central Arkansas Water re: letter dated May 16, 2007, concerning appointment of Task Force Member and proposed Alderman Neil Bryant to represent North Little Rock on the Newly created Watershed Stewardship Council.

Mayor Hays invited Mrs. Leslie Freeman to come forward. Mrs. Freeman spoke regarding the P.A.L. Program (Police Athletic League). This is a wonderful and unique program. Most participants are at-risk kids who have started life with bad attitudes and low self-esteem. This program has changed many of them. Mrs. Freeman thanked Officer Matt Grace and his wife Amanda for all of their hard work with the P.A.L. Program and presented each of them with a plaque on behalf of all of the P.A.L. parents and expressed their appreciation for the dedication of the Graces' to the program and to the youth.

Mayor Hays convened a public hearing at 7:12 p.m., this date regarding O-07-44, an ordinance amending North Little Rock Municipal Code (NLRMC) to add Section 51-1, et seq., and adopt Stormwater Management Regulations; establishing penalties for violations. (*See also O-07-45, an ordinance adopting a permit fee schedule pursuant to stormwater management, Section 51-9 of the NLRMC*). Mr. Ed Chapman, City Engineer came forward and provided a review of the proposed North Little Rock Stormwater Management Ordinance. This is Phase II of the Final Rule by the Environmental Protection Agency (EPA). The city is mandated to reduce polluted runoff being transported by the Municipal Separate Stormwater Sewer System (MS4's). Common pollutants include oil and grease, sediment from construction, trash and chemicals such as pesticides. In order to comply, North Little Rock will need to fully implement the program. There is one year left on a five year implementation plan. The concept is basic: keep trash, pollutants, mud etc., on site. A permit would provide a way to manage this. The current proposal would require a permit for activities in which more than 4,000+ square feet of soil is disturbed. It would be illegal to dump anything into the storm drains or ditches or have things onsite which could wash into the basins. It would be illegal to discharge chemicals, hazardous wastes or non-stormwater discharges. The Stormwater Pollution Prevention Plan has some exemptions: agricultural purposes including gardening, residences covered by a subdivision permit, firefighting activities and emergencies. Violations could result in a "stop-work order", fines, etc. Enforcement would include Code Officers, Building Inspectors, Engineers, Safety Department and citizens complaints. Many of the above practices are being done by Code, through Building Permits, Development Permits, response to complaints and working with the Arkansas Department of Environmental Quality (ADEQ). This ordinance would apply anytime 4,000+ square feet of soil is disturbed (not just new construction). This would apply to dirt and mud on the roadways from dump trucks, etc. Mr. Chapman said this would be a permanent permit. Alderman Witcher said it should be temporary and referred to state guidelines. The city does have some authority now. Mr. Scott Miller is an engineer and spoke about the permit length. There being no one else wishing to be heard, Mayor Hays recessed the public hearing at 7:30 p.m., until the next council meeting, Monday, June 25, 2007, at 7:05 p.m.

UNFINISHED BUSINESS

R-07-45 (RESOLUTION NO. 7113 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH RIVER TRAIL RENTALS, LLC. FOR PROPERTY LOCATED AT 200 SOUTH OLIVE STREET, NORTH LITTLE ROCK;

AND FOR OTHER PURPOSES, was amended to attached the lease agreement on May 29, 2007, was read. City Attorney Carter distributed a lease agreement (at 7:33 p.m.). On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present with the exception of Aldermen Bryant and Ross, the resolution was amended as follows:: *substitute Lease Agreement provided this date at 7:33 p.m.* (5/2). Alderman Hight discussed the increased financial impact provided in this lease. Alderwoman Ross said this lease was the fourth one provided to council members. Discussion regarding when this lease agreement was given to council members, changes contained within it, whether the lessee was a non-profit organization, for-profit business, etc., were had. Alderman Hight said if this is not voted on now, the biking season will be over. Alderman Bryant asked who would pay the utilities. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent all members present, with the exception of Aldermen Bryant and Ross who voted no, the resolution was adopted as amended (5/2).

R-07-66 (RESOLUTION NO. 7114 - MAYOR HAYS)

A RESOLUTION APPOINTING ROB BEST TO THE UNEXPIRED TERM OF VERNON McCLAIN ON THE NORTH LITTLE ROCK ADVERTISING AND PROMOTION COMMISSION; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was amended as follows:: *attach Personal Information Sheet* (7/0). On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted as amended (7/0).

O-07-44

AN ORDINANCE AMENDING THE NORTH LITTLE ROCK MUNICIPAL CODE (NLRMC) TO ADD SECTION 51-1, ET SEQ., AND ADOPT STORMWATER MANAGEMENT REGULATIONS; ESTABLISHING PENALTIES FOR VIOLATION; AND FOR OTHER PURPOSES, was read two times, May 29, 2007. A public hearing was convened this date (see above) and recessed until 7:05 p.m., Monday, June 25, 2007. The ordinance was read a third and final time and held by the sponsor, Mayor Hays.

O-07-45

AN ORDINANCE ADOPTING A PERMIT FEE SCHEDULE PURSUANT TO STORM WATER MANAGEMENT; SECTION 51-9 OF THE NORTH LITTLE ROCK MUNICIPAL CODE (NLRMC); AND FOR OTHER PURPOSES, was read two times, May 29, 2007, was called and held by the sponsor, Mayor Hays.

NEW BUSINESS

R-07-75 (RESOLUTION NO. 7115 - ALDERMEN HIGHT AND WITCHER)

A RESOLUTION APPOINTING JIM DAVIS TO THE NORTH LITTLE ROCK CIVIL SERVICE COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted (7/0).

R-07-76 (RESOLUTION NO. 7116 - MAYOR HAYS)

A RESOLUTION REAPPOINTING SUZANNE CLEMENTS JACKSON TO THE NORTH LITTLE ROCK HISTORY COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Thomas, and by consent of all members present, the resolution was adopted (7/0).

R-07-77 (RESOLUTION NO. 7117 - MAYOR HAYS)

A RESOLUTION REAPPOINTING HERMAN SHIRLEY TO THE NORTH LITTLE ROCK HISTORY COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was adopted (7/0).

R-07-78 (RESOLUTION NO. 7118 - MAYOR HAYS)

A RESOLUTION REAPPOINTING CURTIS SYKES TO THE NORTH LITTLE ROCK HISTORY COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Thomas, and by consent of all members present, the resolution was adopted (7/0).

R-07-79 (RESOLUTION NO. 7119 - MAYOR HAYS)

A RESOLUTION REAPPOINTING ELAINE CARPENTER TO THE NORTH LITTLE ROCK HISTORY COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (7/0).

O-07-48 (ORDINANCE NO. 7949 - MAYOR HAYS)

AN ORDINANCE ACCEPTING THE ANNEXATION OF LANDS COMMONLY DESCRIBED AS LANDS TO BE TITLED THE "HARRIS INDUSTRIAL TRACT 6 ANNEXATION" TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING HARRIS INDUSTRIAL TRACT 6 ANNEXATION A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Thomas, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderwoman Robinson, and seconded by Alderman Thomas, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called, and all members present, having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-07-49

AN ORDINANCE AMENDING NORTH LITTLE ROCK MUNICIPAL CODE TO INCLUDE A CHAPTER ON NOISE CONTROL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Alderwoman Robinson requested a public hearing at the next city council meeting, Monday, June 25, 2007, at 7:05 p.m. and added Aldermen Thomas and Ross as co-sponsors. Alderwoman Robinson reviewed the type of noise addressed and the times of enforcement. Mayor Hays advised this ordinance is

patterned after an ordinance in effect in the City of Fayetteville, Arkansas. Mr. Carter said a standard would be set which could be measured by a device. The ordinance was then held by the sponsor, Alderwoman Robinson.

O-07-50 (ORDINANCE NO. 7950 - ALDERMAN THOMAS)

AN ORDINANCE ALLOWING A SPECIAL USE FOR A MOBILE BARBEQUE STAND IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4720 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS;

DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Thomas and seconded by Alderman Parker, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). The ordinance was read a second time. Alderwoman Robinson said she did not object to the business but had a problem with it being in a trailer. In Ward 2, they have been working on standards. Alderman Thomas made a motion to suspend the rules which was seconded by Alderman Parker. The applicant, Misty Tolbert advised her family owns the property and plans to put a repainted (concession type) trailer on the property. After determining if the business will succeed a permanent structure is planned. Mrs. Tolbert reviewed the conditions set by the Planning Commission. On the motion of Alderman Bryant and seconded by Alderman Parker, and by consent of the following members: Bryant, Ross, Thomas and Parker, and the following members voted no: Robinson, Hight and Witcher, and the Mayor voted yes, the ordinance was amended as follows:: *add to Section 2. item (i) THAT THIS SPECIAL USE SHALL EXPIRE UPON 24 MONTHS AFTER PASSAGE* (5/3). On the motion of Alderman Thomas and seconded by Alderman Bryant, and by consent of all members present, with the exception of Aldermen Robinson and Witcher, and the Mayor having voted yes, the rules were again suspended (as amended) and the ordinance was placed on its third and final reading (6/2). The roll having been called, and the following members having voted yes: Bryant, Ross, Thomas, and Parker, and the following members having voted no: Robinson, Hight and Witcher, and the Mayor voted yes, the ordinance was adopted as amended (6/3). On the emergency clause, the following members voted yes: Bryant, Ross, Thomas and Parker and the following members voted no: Robinson, Hight and Witcher, the emergency clause failed (4/3). Mr. Carter advised the ordinance would be in effect in 60 days. (*See below, **emergency clause recalled** for new vote and adopted*)

O-07-51 (ORDINANCE NO. 7951 - ALDERMEN GAINES AND PARKER)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT THE SOUTHEAST CORNER OF CRYSTAL HILL ROAD AND COLLINS INDUSTRIAL ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM THE

PRESENT I-2 TO C-3 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN

EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Parker and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Parker and seconded by Alderman Witcher, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The roll having been called

and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0) (*applicant: David Elrod*)

Mayor Hays asked the council to consider ***recalling item O-07-50*** (*Ordinance No. 7950*) and reconsider the emergency clause as the applicant would lose two months worth of business. On the motion of Alderman Hight and seconded by Alderman Bryant, and all members present having voted yes, with the exception of Aldermen Robinson and Witcher who voted no, the emergency clause was reconsidered (5/2). On the motion of Alderman Thomas and seconded by Alderman Bryant, and by consent of all members present, with the exception of Aldermen Robinson and Witcher, who voted no, and the Mayor having voted yes, the emergency clause was adopted (6/2).

PUBLIC COMMENTS-----

Council members continued discussion regarding Planning Commission approval of a special use for a trailer. Mr. Robert Voyles, Planning Director provided information. Alderman Parker discussed the proposed noise ordinance and mentioned train whistles. He also asked about a barricade in the area of the Levy Baptist Church and a street which was closed. Mr. Voyles said the church had requested the closing and barricade. Ms. Pat Harris said panhandlers are still in the street in the area of Cypress and Locust and asked if they city could do something about them. Someone is going to be hit by a car if they remain in the street. Mr. Voyles spoke again regarding trailers in the city and said Planning Department staff prefer permanent structures. Mr. Miller spoke regarding Edgefest which was held in the park Friday night. He commended Dan Scott and city crews for their efforts and suggested considerations before having a similar event, including stage position, fees for clean up, etc. Alderman Hight asked that consideration be made regarding the Riverwalk area when concerts, Riverfest and other events are being set up. Last Friday, the trail area was closed to joggers, biker's, etc. Ms. Estella West, is the chair of a committee (ACORN). She asked the council to consider assistance regarding electric rates for low income residents. Ms. Sara Thomas is a North Little Rock Electric Department customer. Recently, she was leaving her home, when she encountered an Electric Department employee who was going to turn off her power. She said she was on her way to pay and asked him to wait or to take the money. He would not. Her electricity was turned off at approximately 10:00 a.m. and not reconnected until approximately 9:00 p.m. She has an 84 year old woman living with her who had to suffer all day in the heat.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderman Witcher, and by agreement of all members present, the meeting adjourned at 8:50 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, June 25, 2007, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS
ATTEST: DIANE WHITBEY, CITY CLERK